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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/724,626

12/02/2003

Masakazu Ogasawara

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EXAMINER

HALEY, JOSEPH R

ART UNIT

PAPER NUMBER

2627

DATE MAILED: 09/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/724,626

Applicant(s)

OGASAWARA, MASAKAZU

Examiner

Joseph Haley

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura et al. (US 6898168) in view of Honda et al. (US 7075880).

In regard to claim 1, Kimura et al. teaches an optical apparatus that projects a first light beam having a first wavelength (fig. 1 element 11) and a second light beam having a second wavelength that is different than said first wavelength (element 12) onto an optical recording medium, and that guides a first reflected beam, which is the reflected beam of said first light beam that is reflected from said optical recording medium, and a second reflected beam, which is the reflected beam of said second light beam that is reflected from said optical recording medium, and comprising: a distortion-correction device for correcting the distortion that occurs in said first light beam and first reflected beam, and comprises a stationary optical device (71) and a movable optical device (1); and a light-guiding device that is located between said stationary optical device and movable optical device in the optical path of said first light beam and

said first reflected beam, and guides said first light beam and said second light beam, whose optic axes coincide with each other, to said optical recording device (element 62); and wherein said movable optical device works together with said stationary optical device to correct said distortion, but does not teach where either of these devices convert the light beam into a parallel beam (however Kimura et al. does teach that elements 1 and 4 are for distortion correction).

Honda et al. teaches a movable collimator lens used for distortion correction (see fig. 7 element 113 see also 34 lines 1-10).

The two are analogous art because they both deal with the same field of invention of optical elements in an optical system.

At the time of invention it would have been obvious to one of ordinary skill in the art to provide the apparatus of Kimura et al. with the movable collimator lens of Honda et al. The rationale is as follows: At the time of invention it would have been obvious to provide the apparatus of Kimura et al. with the movable collimator lens of Honda et al. because using the single collimator lens of Honda et al. would be more efficient than using the 2 lenses of Kimura et al.

In regard to claim 2, Honda et al. teaches wherein said distortion correction device corrects said distortion and converts said first light beam to a parallel beam (see fig. element 113).

In regard to claim 3, Kimura et al. teaches said stationary optical device converts said first reflected light to light-flux necessary for receiving said first reflected beam (see element 71).

In regard to claim 5, Kimura et al. and Honda et al. teach an optical pickup comprising: an optical apparatus that projects a first light beam having a first wavelength and a second light beam having a second wavelength that is different than said first wavelength onto an optical recording medium, and that guides a first reflected beam, which is the reflected beam of said first light beam that is reflected from said optical recording medium, and a second reflected beam, which is the reflected beam of said second light beam that is reflected from said optical recording medium, and comprising: a distortion-correction device for correcting the distortion that occurs in said first light beam and first reflected beam, and comprises a stationary optical device and a movable optical device; and a light-guiding device that is located between said stationary optical device and movable optical device in the optical path of said first light beam and said first reflected beam, and guides said first light beam and said second light beam, whose optic axes coincide with each other, to said optical recording device; and wherein said movable optical device works together with said stationary optical device to correct said distortion, and converts said second light beam to a parallel beam (see claim 1 rejection above); a first light-beam-emitting device for emitting said first light beam (see Kimura fig. 1 element 11); a second light-beam-emitting device for emitting said second light beam (element 12); a first light-receiving device for receiving said first reflected beam that passes through said optical apparatus, and generating a corresponding first received-light signal (element 41); and a second light-receiving device for receiving said second reflected beam that passes through said optical apparatus, and generating a corresponding second received-light signal (element 42).

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura et al. in view of Honda et al. further considered with Tsuji et al. (US 5461500).

In regard to claim 4, Kimura et al. and Honda et al. teach all the elements of claim 4 except said stationary optical device is a polarization hologram that is formed on the incident surface where said first light beam enters said light-guiding device.

Tsuji et al. teaches said stationary optical device is a polarization hologram that is formed on the incident surface where said first light beam enters said light-guiding device (see fig. 2 where Tsuji et al. teaches a  $\frac{1}{4}$  wavelength plate formed on a beam splitter).

The three are analogous art because they all deal with the same field of invention of optical elements in an optical system.


At the time of invention it would have been obvious to one of ordinary skill in the art to provide the apparatus of Kimura et al. in view of Honda et al. with the formed optical element of Tsuji et al. The rationale is as follows: At the time of invention it would have been obvious to provide the apparatus of Kimura et al. in view of Honda et al. and the formed optical element of Tsuji et al. because forming the  $\frac{1}{4}$  waveplate on the beam splitter would take up less space than two separate elements.

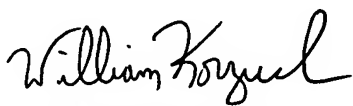
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Haley whose telephone number is 571-272-0574. The examiner can normally be reached on M-F 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on 571-272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

jrh 

  
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